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**BZA-1903**  
**RAYMOND F. GREIVES**  
**Variance**

**STAFF REPORT**  
**April 17, 2014**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner, who is also the owner, is requesting a 14' rear setback instead of the required 25' to allow the addition of a sunroom. The site is located on the east side of Lafayette in Hickory Hills 3<sup>rd</sup> Subdivision (aka Eagles Nest) and is commonly known as 376 Razmic Way, Perry 19 (SE) 23-3.

**AREA ZONING PATTERNS:**

The site in question is zoned R1 as is land to the east, south and west. Land to the north is zoned AW, Agricultural Wooded. There has been no recent BZA activity in the area.

**AREA LAND USE PATTERNS:**

Petitioner's property has a single story house with attached garage. The dimensions of petitioner's lot, (100' x 100') and the size and placement of the existing house leave little room for future expansion. There is 1' or less separating the existing house from the front, rear and south side building setbacks. The only available space for building an addition to the house without variance would be to the north side. Lot coverage and building coverage with the proposed addition can still meet ordinance requirements.

The site in question is part of a subdivision of single-family homes with other homes to the east, west and south. North of this property is a lift-station (Lafayette sewer) with wooded ravines further north.

**TRAFFIC AND TRANSPORTATION:**

Razmic Drive, an urban local road, serves the site. Petitioner's lot is the last house on this public street before it terminates with a drive way leading to the city-owned lift-station.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

City utilities serve the site.

**STAFF COMMENTS:**

Petitioner is seeking a 14' rear setback instead of the required 25' to allow for the construction of a 12' long sunroom. Currently the house has an attached 12' deck that has a rear setback of 14'. Per UZO 4-4-4, an unroofed deck, whether attached or unattached, may extend into a minimum rear setback to within 4' of a lot line provided it

is not higher than 30 inches above grade and it is not enclosed higher than 3 ½ feet above the floor. Petitioner's deck meets these requirements. The proposed enclosed sunroom would be adjacent to and the same size as the existing deck.

According to Petitioner's site plan, a 10' wide utility and drainage easement is platted along the rear lot line. The existing deck is setback 14' from the rear property line and poses no problem with utilities or drainage. Petitioner would like to line up the proposed sunroom with the existing deck. The required 25' setback, the existing configuration of the house and petitioner's desire to build a sunroom adjacent to the deck makes this a practical difficulty only. It does not make it an ordinance-imposed hardship. Sufficient area exists to the north of the house to build an addition, but unfortunately, that is not where the desired sunroom makes sense to build.

There is nothing unusual about the size, shape or topography of the site in question that makes this property unusable without obtaining a variance.

Regarding the ballot items:

1. The Area Plan Commission at its meeting on April 16, 2014 determined that the variance requested **IS NOT** a use variance.

And it is staff's opinion that:

2. Granting this variance **WILL NOT** be injurious to the public health, safety, and general welfare of the community. This variance would allow for a sunroom addition to be built at the same setback as the existing (and legal) deck. Because the setback requested is clear of the utility and drainage easement, there should be no negative effect on public health, safety and welfare.
3. Use and value of the area adjacent to the property included in the variance request **WILL NOT** be affected in a substantially adverse manner. Adjacent to petitioner's property to the west is a 5 acre tract; the portion of this property nearest to the request is occupied by a detached garage and a densely wooded area. The addition of a 14' wide sunroom would have no negative impact to neighbors; however
4. The terms of the zoning ordinance are being applied to a situation that **IS** common to other properties in the same zoning district. Many adjacent lots have homes built to the rear setback line leaving little area for additions. There is nothing unusual about the lot with regard to shape, size and topography.
5. Strict application of the terms of the zoning ordinance **WILL NOT** result in an unusual or unnecessary hardship as defined in the zoning ordinance. The zoning ordinance makes the allowance for an unroofed deck to be located in the 25' rear setback, but an enclosed sunroom is not permitted.

**Note:** Questions 5a. and 5b. need only be answered if a hardship is found in Question 5 above.

5a. The hardship involved **IS** self-imposed or solely based on a perceived reduction of or restriction on economic gain. It is petitioner's desire to build a sunroom in this location that is causing the difficulty.

5b. The variance sought **DOES NOT** provide only the minimum relief needed to alleviate the hardship because staff cannot find an ordinance-defined hardship.

**STAFF RECOMMENDATION:**

Denial